

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|---------------------|---|--------------------|
| MARK ALAN VINING, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 3:05-1081 |
| |) | Judge Echols |
| |) | |
| SGT. PITTS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on a Report and Recommendation (R & R) (Docket Entry No. 20) in which the Magistrate Judge recommends dismissing this action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and for failure to follow Court Orders pursuant to Fed. R. Civ. P. 37(b). The R & R was issued on July 20, 2006, and Plaintiff has filed no objections thereto, even though he was informed in the R & R that any objections needed to be filed within ten (10) days (Docket Entry No. 20 at 3).

Where, as here, no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b).

This is a Section 1983 (42 U.S.C. § 1983) action in which Plaintiff essentially asserts that he was subjected to mistreatment and excessive force while an inmate at the Criminal Justice Center in Nashville, Tennessee. Since the filing of the Complaint, Plaintiff has been released from confinement but has failed to provide the Court with his current address. Orders of the Court

indicating that this action would be dismissed if the Court was not provided with a proper address for Plaintiff have been returned and for this reason, as well as the fact that Plaintiff has evidenced no intention to pursue the matter, the Magistrate Judge recommends dismissal.

This Court has thoroughly reviewed the record in this case and finds that the Magistrate Judge properly concluded that this action should be dismissed for failure to prosecute and for Plaintiff's violation of Court Orders which required him to inform the Court of any change in his address. While the imposition of dismissal is a harsh sanction, Salt Lick Bancorp. v. F.D.I.C., 2006 WL 1524623 at *18 (6th Cir. 2006), it is a sanction which is appropriate in this case given Plaintiff's total disregard of the case once his Complaint had been filed and his continued failure to inform the Court of his address.

Accordingly, the R & R (Docket Entry No. 20) is hereby ACCEPTED and this case is hereby DISMISSED WITH PREJUDICE. Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE